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In re the Matter of: ) Case No.: 07-093  
)  
State of New Hampshire Banking ) Notice of Hearing - Order to Show  
) Cause with Immediate Suspension  
Department, )  
)  
                    Petitioner, )  
)  
                    and )  
)  
Mortgages Unlimited Corporation, )  
)  
                    Respondent )  
)

Pursuant to RSA 397-A:17, the Banking Department of the State of New Hampshire (hereinafter the "Department") has the authority to issue an order to show cause why license revocation penalties for violations of New Hampshire Banking laws should not be imposed.

Pursuant to RSA 397-A:21, the Commissioner has the authority to suspend, revoke or deny any license and to impose administrative penalties of up to \$2,500.00 for each violation of New Hampshire banking law and rules. Upon a finding of irreparable harm if revocation of the license is delayed the Commissioner may summarily suspend any license pending final determination of the Order to Show Cause.

Pursuant to New Hampshire Banking law, RSA 397-A:5 III (c) each mortgage banker shall post a continuous surety bond in the amount of \$20,000.00 to the Department.

1 Pursuant to New Hampshire Banking law, RSA 397-A:13 II provides that  
2 each licensee shall file a financial statement within 90 days from the date  
3 of its fiscal year end.

4 Pursuant to New Hampshire Banking law, RSA 397-A:13 VI provides that  
5 any officer, owner, manager or agent of any licensee shall reply promptly in  
6 writing, or other designated form, to any written inquiry from the  
7 Department.

8 The Department issued to the Respondent an Order to Show Cause and an  
9 Immediate Suspension of the license on March 26, 2007. RSA 541-A requires  
10 the Department to hold a hearing on such summary action within ten working  
11 days.

12 This hearing shall address the immediate suspension issue for the  
13 following allegation:

14 **Issue 1:** Failure to post a continuous surety bond.

15  
16 Accordingly, an adjudicative proceeding shall be commenced pursuant to  
17 541-A:31 and Chapter 200 of the Department's rules (NH Code of Administrative  
18 Rules BAN 200) for the purpose of permitting the Respondent to show  
19 compliance with RSA 397-A:5 and RSA 397-A:13.

20 Each party has the right to have an attorney present to represent the  
21 party at the party's expense, or may represent itself. Each party has the  
22 right to have the Department provide a certified shorthand court reporter at  
23 the requesting party's expense. Any such request must be submitted in  
24 writing to the Department at least 5 days prior to a scheduled hearing date.

25 THEREFORE, IT IS ORDERED, that the Respondent appear before the New  
Hampshire Banking Department on May 9, 2007 at 10:00am, at the Department's  
offices at 64B Old Suncook Road, Concord, New Hampshire, for the purpose of

1 participating in an adjudicative proceeding, at which time the Respondent  
2 will have the opportunity to demonstrate why the cease and desist order  
3 should not become permanent; and

4 IT IS FURTHER ORDERED, that if the Respondent elects to be represented  
5 by Counsel, said Counsel shall file notice of appearance at the earliest  
6 possible date; and

7 IT IS FURTHER ORDERED, that James Shepard, Staff Attorney, New  
8 Hampshire Banking Department is designated as Hearing Counsel in this matter  
9 with authority to represent the public interest within the scope of the  
10 Department's authority. Hearing Counsel shall have the status of a party to  
11 this proceeding; and

12 IT IS FURTHER ORDERED, that that the Commissioner shall designate a  
13 member of the Department, who shall serve as the Presiding Officer in this  
14 proceeding and shall issue a RECOMMENDED DECISION in this matter which shall  
15 be reviewed and approved, disapproved or modified by the Bank Commissioner;  
16 and

17 IT IS FURTHER ORDERED, that any proposed exhibits shall be pre-marked,  
18 for identification only, and filed with the Department and provided to the  
19 opposing party as soon as possible. Hearing Counsel shall pre-mark the  
20 Department's exhibits with Arabic numbers. The Respondents shall pre-mark  
21 exhibits with capital letters. An index/list of exhibits providing a brief  
22 description of each exhibit with its corresponding pre-marked number or  
23 letter shall be filed by both parties simultaneous with the filing of  
24 exhibits; and

25 IT IS FURTHER ORDERED, that the parties shall exchange a list of all  
exhibits and witnesses to be called at the hearing with a brief summary prior  
to May 7, 2007, and shall at the same time file a copy of their respective  
witness lists with the Presiding Officer; and

1           IT IS FURTHER ORDERED, that all periods referenced in this notice shall  
2 be calendar days. If the last day of the period so computed falls on a  
3 Saturday, Sunday, or legal holiday, then the time period shall be extended to  
4 include the first business day that is not a Saturday, Sunday, or legal  
5 holiday; and

6           IT IS FURTHER ORDERED, that the Department shall have the burden of  
7 setting forth a *prima facie* case, then the Respondent shall have the burden  
8 of showing compliance with applicable law by a preponderance of the evidence;

9           IT IS FURTHER ORDERED, that Respondents' failure to appear at the time,  
10 date, and place specified may result in the hearing being held *in absentia*  
11 and/or default ruling in favor of the Department, without further notice or  
12 opportunity to be heard; and

13           IT IS FURTHER ORDERED, that the entirety of all oral proceedings shall  
14 be recorded verbatim by the Banking Department. Upon request of any party,  
15 or upon the Presiding Officer's own initiative, such record shall be  
16 transcribed by a certified court reporter designated by the Presiding  
17 Officer, and that all costs shall be borne solely by the requesting party.  
18 Any such request shall be submitted in writing to the Presiding Officer prior  
19 to hearing.

20           IT IS FURTHER ORDERED, that all documents shall be filed with the  
21 Presiding Officer in the form of an original and one (1) copy and shall bear  
22 a certification that a copy is being delivered to Hearing Counsel and any  
23 other parties to this matter in accordance with NH Code of Administrative  
24 Rules Ban 204.08. All documents shall be filed by mailing or delivering them  
25 to the New Hampshire Banking Department, ATTN: Presiding Officer, 64B Old  
Suncook Road, Concord, NH 03301. Filing by facsimile or electronic  
transmission shall not be accepted; and

          IT IS FURTHER ORDERED, that the parties may submit Proposed Orders,  
which shall include findings of fact and conclusions of law, separately

1 stated, no later than ten (10) days following conclusion of the hearing(s) in  
2 this matter; and

3 IT IS FURTHER ORDERED, that routine procedural inquiries may be made by  
4 telephoning Maryam Torben-Desfosses at (603)-271-3561, but all other  
5 communications with the Presiding Officer and with the Department shall be in  
6 writing and shall be filed as provided above. *Ex parte* communications are  
7 forbidden by statute; and

8 IT IS FURTHER ORDERED, that a copy of this Notice of hearing shall be  
9 served to the licensee, mailed to Mortgage Unlimited Corporation, 68 Stiles  
10 Road, Salem, NH 03079, and that a copy shall also be delivered to James  
11 Shepard, Hearing Counsel, and to the Presiding Officer, at the New Hampshire  
12 Banking Department.

13 **SO ORDERED,**

14  
15 /s/  
16 Peter C. Hildreth  
17 Commissioner  
18 State of New Hampshire  
19 Banking Department  
20  
21  
22  
23  
24  
25

4/26/07  
Date